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STATE OF CALIFORNIA

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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

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AGENDA BRIEFING WORKSHOP

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JOE SERNA, JR., CALEPA BUILDING

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1001 I STREET, 2ND FLOOR

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SACRAMENTO, CALIFORNIA

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WEDNESDAY, OCTOBER 10, 2001

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9:30 A.M.

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1 A P P E A R A N C E S

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3 BOARD MEMBERS PRESENT:

4 LINDA MOULTON-PATTERSON

5 STEVEN R. JONES

6 MICHAEL PAPARIAN

7 JOSE MEDINA

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11 STAFF PRESENT:

12 MARK LEARY, Interim Executive Director

13 KATHRYN TOBIAS, Chief Legal Counsel

14 DEBORAH McKEE, Board Administrative Assistant

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1                   SACRAMENTO, CALIFORNIA, OCTOBER 10, 2001

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3                   BOARD CHAIR MOULTON-PATTERSON:   Good morning.

4   Today we are going to, first of all, be going over our Board  
5   member agenda which will be held in Diamond Bar week after  
6   next.  Then we have four discussion items after that.

7                   For members of the public, we will be, after each  
8   section, for example, the permit section, we'll give the  
9   audience a chance to comment if they have any public  
10   comments, and then we'll go on.  Board members, advisors,  
11   staff, feel free.  It is very informal.  Please feel free  
12   just to ask questions whenever.  We would ask that people  
13   turn off their cell phones.  I remembered this time to turn  
14   off mine.  So thank you very much for your cooperation on  
15   that.

16                  Mark, I think I'll turn it over to you, get  
17   started on the agenda.

18                  MR. LEARY:  Thank you, Madam Chair.

19                  BOARD CHAIR MOULTON-PATTERSON:  I might say, Mark  
20   Leary, our executive director.  The interim is gone.

21                  MR. LEARY:  Thank you, Madam Chair.  We have for  
22   you today, of course, our regular monthly Board agenda to  
23   review and then four other items that are kind of an undate,  
24   discussion type of format that we're looking for an  
25   opportunity to present various topics to the Board for their

1 information and for some feedback if the Board feels  
2 appropriate.

3 Just by way of explanation of putting this month's  
4 agenda together, as we all recall, the September Board  
5 meeting was somewhat abbreviated due to the events of  
6 September 11. So on September 12 we tried to work through a  
7 two-day agenda in one day and ended up putting a number of  
8 items over.

9 Since we didn't actually open those items and have  
10 discussion, it was an opportunity to consider them either  
11 continued or just roll them back into the regular agenda  
12 this month, and that's what I've chosen to do as part of  
13 managing this month's Board meeting, is just roll them back  
14 into the original section of the Board agenda. I found as  
15 the agenda laid out it would be easier to manage in that  
16 way.

17 We have only proposed one item, agenda item 12,  
18 for consent. The rest of the agenda items we will need to  
19 take up, since the Board is interested in doing so, and we  
20 hope to break at the end of the first day after agenda item  
21 17.

22 BOARD CHAIR MOULTON-PATTERSON: Seventeen?

23 MR. LEARY: Seventeen, before we start the Special  
24 Waste Section. We start Special Waste first thing on the  
25 second day.

1           Anyway, that's this Board meeting in a capsule,  
2   and turn it back to you, Madam Chair.

3           BOARD CHAIR MOULTON-PATTERSON: Thank you. Do any  
4   members have any questions on agenda item 12, consent? Then  
5   we'll go right into Permits.

6           BOARD MEMBER PAPARIAN: Madam Chair, I just wanted  
7   to -- it is not really a question, just for the future. The  
8   thing that I note is that 70 percent of the winners are from  
9   Northern California on item 12, and 30 percent are from  
10   Southern California. And it points to a need for a little  
11   more outreach in Southern California for a lot of the  
12   programs we have.

13          BOARD CHAIR MOULTON-PATTERSON: Thank you for  
14   pointing that out, Mr. Paparian.

15          MS. NAUMAN: First item in this section, item No.  
16   1, is a revised solid waste facilities permit for Allied  
17   Permit Fill in Imperial County. You have in your packets as  
18   of yesterday a revised item. There was some corrections  
19   that needed to be made to reconcile some numbers on the  
20   violation counts. That has been done. There are no  
21   outstanding issues with this proposed permit, and we will be  
22   recommending concurrence.

23          BOARD CHAIR MOULTON-PATTERSON: Questions? I  
24   don't see any.

25          MS. NAUMAN: Item No. 2 is the proposed revised

1 permit for the Mono Fill facility located in Imperial  
2 County. You will be getting a revised item on this. We  
3 have resolved the outstanding CEQA issues that were still  
4 there when we prepared this particular item, so we will have  
5 a revised item to you very soon, and will reflect the CEQA  
6 issues that have been resolved.

7           There's also some question raised about the  
8 closure plan for this particular facility. You might note  
9 on the permit itself that it talks about closing cells one  
10 and two in 2003. We thought that there might be an issue  
11 with the CEQA documents in that plan.

12           But just to clarify, this particular permit action  
13 will not be addressing that set of closure sequencing. They  
14 may return at a later date to clarify the sequencing of the  
15 closure of the cells one and two. So there are no other  
16 outstanding issues, and we'll be recommending concurrence.

17           Item No. 3 is proposed revised permit for the  
18 Visalia Disposal Site located in Tulare County. You will  
19 also be receiving a revised item.

20           The BIR had not been certified at the time the  
21 item was prepared for packet. Since that time, specifically  
22 on September 25th, the Tulare County court supervisors did  
23 certify the final EIR and have filed a notice of  
24 determination.

25           There are some potential impacts, however, that

1 will remain significant and unavoidable even after  
2 implementation of the proposed mitigation measures. So the  
3 Board supervisors have adopted the statement of overriding  
4 consideration that addresses air quality, visual impacts and  
5 cumulative impacts, and we will make a copy of that  
6 statement of overriding considerations available to you as  
7 part of the revised item number.

8 We have, however, concluded that the CEQA  
9 documentation is sufficient. And of this permit action,  
10 there are no other outstanding issues, and so we will be  
11 recommending concurrence.

12 BOARD MEMBER PAPARIAN: You mentioned on page 3-3  
13 about halfway down, which is groundwater degradation,  
14 presumably as a result of the existing unit.

15 MR. DeBIE: Yes, sir. Mark DeBie with Permitting  
16 and Inspections. There are ongoing issues with groundwater  
17 at the site, and the regional Board is working with the  
18 operator to resolve those.

19 BOARD MEMBER PAPARIAN: Has the regional Board  
20 given their WDR for the extension?

21 MR. DeBIE: I believe that the WDRs are current.

22 BOARD MEMBER PAPARIAN: And then is this a -- the  
23 area of expansion, is it convertible expansion over an  
24 underlying unit or is it underlying?

25 MR. DeBIE: There is a horizontal expansion as



1 part of this, and try to recall from my briefing. I don't  
2 believe that the existing cells plan to increase in height,  
3 but there will be a general increase in height for the  
4 landfill, primarily over the new unit.

5 BOARD MEMBER PAPARIAN: The new unit would be  
6 completely separate from the unit with problems?

7 MR. DeBIE: Subtitle B, complete liner system.

8 BOARD MEMBER PAPARIAN: Okay. Thank you.

9 BOARD CHAIR MOULTON-PATTERSON: Any other  
10 questions? Thank you.

11 MS. NAUMAN: That takes us to item No. 4, which is  
12 a revised permit for a facility in Stanislaus County.  
13 There's really only a very minor change occurring in this  
14 permit, and that is a change in the hours of operation to  
15 the seven days a week.

16 Right now they need -- don't really operate on  
17 Sundays. It is kind of a fine invitation only. So this  
18 clarifies that. There are no other outstanding issues we  
19 have found with this. This is, by way of site, where the  
20 Board is the LEA, the LEA for Stanislaus County. This is  
21 one of our permits.

22 BOARD MEMBER PAPARIAN: It indicates here the  
23 hours of operation will start at 4:00 a.m. instead of 6:00  
24 a.m., people going into the card key into the facility.

25 MS. NAUMAN: As I understand it -- I guess LEA

1 staff can elaborate on this. It is my understanding the  
2 trucks actually come to the facility very early in the  
3 morning currently and are kind of cued up waiting to go in.

4 BOARD MEMBER PAPARIAN: That's described in here.  
5 Once they get in with their card key, is there somebody  
6 doing any load checking in the facility or do they park in  
7 the facility or unload in the facility?

8 MS. NAUMAN: I don't know if I have staff here to  
9 answer that. I would presume if the hours of operation are  
10 changing, and the official open time is 4:00 a.m., then all  
11 operations commence at that time.

12 BOARD MEMBER PAPARIAN: We can maybe get some of  
13 these answers in the meeting.

14 MS. NAUMAN: Let me make sure that is the case.  
15 That will be my presumption. If the hours of operation go  
16 from A to B, that everything associated with the operation  
17 then kicks in at that given hour. I'll be able to check on  
18 that for you.

19 BOARD MEMBER PAPARIAN: Thank you.

20 MS. NAUMAN: Item No. 5 is a revised permit for  
21 the West Valley Material Recovery Facility in San Bernardino  
22 County. Changes occurring here, increase in tonnage and  
23 design capacity and change in the name of the  
24 owner/operator. There are no outstanding issues, and we  
25 don't know of any opposition, and, therefore, staff will be

1 recommending concurrence.

2 Item No. 6 -- and unfortunately this got titled  
3 incorrectly, so we are going to have to republish this.  
4 Inadvertently it got noticed as a revised solid waste  
5 facility permit, not as a new standardized permit.

6 BOARD CHAIR MOULTON-PATTERSON: Excuse me. Julie,  
7 can I just interrupt for a moment, go back to No. 5 and ask  
8 about a question.

9 What was it yesterday you were telling me San  
10 Bernardino County was not being forthcoming on -- weren't we  
11 having some problems on some information? I know this is  
12 different, but it just --

13 MR. SCHIAVO: This goes back to the Board meeting  
14 we had in Long Beach, and we were asking them to submit to  
15 us additional information regarding the alternative  
16 diversion. We were still waiting for that information.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. I am just  
18 trying to think of some leverage where we can get that  
19 information.

20 MR. SCHIAVO: Different players.

21 BOARD CHAIR MOULTON-PATTERSON: I understand that,  
22 but still there's got to be something that people get in  
23 these -- the information we need. Maybe they could carry  
24 the message back if we make a comment at the Board meeting.

25 MR. SCHIAVO: There is the possibility of having

1 more LEA involvement where everything --

2 MS. NAUMAN: I was commenting to Pat that I'd be  
3 happy to call the LEA and mention it.

4 BOARD CHAIR MOULTON-PATTERSON: I don't want to  
5 punish one hand when it is really not them, but I thought  
6 they could send a message.

7 MS. NAUMAN: Certainly. I'll be happy to.

8 BOARD CHAIR MOULTON-PATTERSON: Thank you.

9 MS. NAUMAN: Item No. 6, as I was saying, this is  
10 now and always has been and will be republished accordingly,  
11 a new standardized permit for the compost site located in  
12 Sonoma County.

13 So accordingly you'll receive a new item that  
14 reflects that correction. This proposed permit is proposing  
15 to increase tonnage, capacity, specifying annual loading,  
16 slight increase in traffic and change in hours. We don't  
17 know of any opposition, and there are no outstanding issues,  
18 so we will be recommending concurrence on this item.

19 BOARD MEMBER PAPARIAN: Julie, the odor complaint  
20 that's mentioned here, was it a single incident or odor  
21 complaints over time?

22 MR. DeBIE: It was just the one incident. The LEA  
23 received a complaint, a follow-up investigation, was able to  
24 confirm that the odors were coming from the facility. Noted  
25 the violation and worked with the operator to address the

1 situation that resulted in that odor complaint, but it was  
2 just the one-time situation.

3 Looking back at the record, it looks like there's  
4 maybe one or two complaints over a six-month period, and it  
5 is usually just the one complainer, not a group of  
6 complaints coming.

7 BOARD MEMBER PAPARIAN: Thanks.

8 MS. NAUMAN: Item No. 7 is a standardized  
9 composting permit for the Tulare County Compost and Biomass,  
10 Inc., in Tulare County.

11 This permit proposes to increase tonnage, increase  
12 vehicle trips per day and specify average annual vehicles in  
13 terms of trucks and actually changing hours. The times item  
14 was originally not completed to our CEQA analysis. And part  
15 of the contributing factor to that is this is a type of  
16 permit where you only have 30 days to act.

17 As we noted in the item, the package wasn't  
18 expected until about September 24. So we knew this item had  
19 to be ready for the October Board meeting. So that, in  
20 part, is the reason for the delay in our ability to complete  
21 the CEQA analysis. I apologize for that. We are working as  
22 hard as we can to meet these deadlines, and we will have it  
23 completed by the time of the Board meeting and provide a  
24 recommendation. That completes the permits for this month.

25 Item No. 8 is our semiannual update and

1 publication of the inventory and solid waste facilities  
2 violating State minimum standards to recall in October of  
3 each year with the inventory.

4 In April of this year we had 14 sites listed on  
5 the inventory. Since that time, five have been removed.  
6 One has been added. The list now is composed of ten  
7 facilities. Seven of those are gas-related violations.

8 And of those seven, five have already installed  
9 their gas collection systems and are testing. We provided  
10 an attachment, actually, three attachments, one which is a  
11 summary table that indicates the facility, the violation,  
12 the date they were included, complete compliance schedule,  
13 issuance date and the required compliance date.

14 There's another chart that shows you the history  
15 of the inventory, and then finally individual summary sheets  
16 that give you more detail of each facility.

17 BOARD CHAIR MOULTON-PATTERSON: Julie, just to get  
18 a sense, historically in the early days of the Board, how  
19 many, you know, in round numbers, how many, facilities?

20 MS. NAUMAN: In the early days I wasn't around. I  
21 recall about three years ago I think we were still writing  
22 something like 40, 46, something like that.

23 BOARD CHAIR MOULTON-PATTERSON: So we're making  
24 good progress.

25 MS. NAUMAN: This is one of the objectives of the

1 last strategic plan, was to reduce the number of facilities  
2 on the list. And we set ourselves some pretty tight  
3 targets, and we have met those. So it has been a  
4 significant decrease to go from, I think, around 47 or so,  
5 and I would guess it was probably higher. Steve's nodding.

6 BOARD MEMBER JONES: It was 47.

7 MS. NAUMAN: But we're down to ten. And of those,  
8 seven are gas, and we know that gas violations are -- take a  
9 long time to reach compliance. So there are still some that  
10 we're concerned about. There's some that we're a little bit  
11 concerned about when we see the compliance dates.

12 There's one that you might have noted, No. 7, the  
13 Plumas Valley Landfill in Mono County has a compliance  
14 schedule issued by the LEA that allows them to continue  
15 working on this violation until 2004.

16 We are concerned about that. Now they have the  
17 new enforcement regs in place. We are in a much better and  
18 stronger position, and we are starting to exercise that  
19 improved authority, that we have to start pushing the LEAs a  
20 little bit about some of these kinds of actions and suggest  
21 that we're concerned, that maybe they are not being as  
22 aggressive as they could be and raising questions about how  
23 appropriate their enforcement action is.

24 We have already done that in another case, not an  
25 inventory-related one. And we are taking a look at this

1 one, and are planning to do the same thing with Mono  
2 County. That's a little discussion about is it appropriate  
3 to allow a 30-day violation corrective action plan to extend  
4 that far into the future.

5 BOARD MEMBER PAPARIAN: Julie, it says in this  
6 little chart that there are three with no current compliance  
7 schedules. And I was having a little trouble figuring out  
8 for sure which of the three those are.

9 MS. NAUMAN: I think it might be reflected in  
10 those where the compliance date is expired. If you see I'm  
11 looking at No. 10, where we're expecting a new order, and  
12 the required compliance date has passed. So they don't have  
13 a current compliance schedule.

14 MR. DeBIE: No. 10 is certainly one, and then No.  
15 3, Cummings Road as well as the Brand Park Landfill, No. 5.  
16 And there are various reasons why there isn't a current  
17 compliance schedule right now.

18 The Cummings Road, for example, they're down to  
19 one well that they're trying to get into compliance. The  
20 operator continues to try various ways of addressing that  
21 situation to get that well under control. But there are  
22 also the operator is -- there's a new operator now in place,  
23 and they are also assessing what they want to do with that  
24 landfill.

25 They are looking at potentially closing all or



1 some of that landfill. And because of those plans, it may  
2 change how they want to address the gas system. And so the  
3 LEA is working with the operator to work out their overall  
4 plans. And then based on that would come up with a schedule  
5 to continue to address the gas.

6 So basically there's a lot of new information  
7 that's being analyzed and look at both -- look at both with  
8 the LEA and operator to come up with a schedule and  
9 milestones to continue addressing the gas issues.

10 So in the meantime, the LEA has not seen fit to go  
11 ahead with unilaterally imposing a schedule because it may  
12 change in a couple weeks or a month. So they are sort of in  
13 limbo right now on that one. So that's one example of why  
14 there is a current compliance schedule.

15 BOARD MEMBER PAPARIAN: If I remember, didn't we  
16 either vote or get an opinion that they are supposed to have  
17 compliance schedules, though?

18 MR. DeBIE: Yeah, that's correct.

19 MS. FISH. Actually, we sent all of them a letter  
20 almost exactly a year ago advising them that they did need  
21 to do that. One of the other choices that the Board has in  
22 these situations is that with advance notice to the LEAs,  
23 the Board can then step into that position of issuing  
24 enforcement orders themselves. So if the Board feels that  
25 compliance is not what the Board would like to see, that is

1 another step that the Board could authorize staff to take.

2 MS. NAUMAN: Mark and I have asked the staff that  
3 works directly with these facilities and these LEAs to  
4 monitor these situations very closely.

5 And so I think even arguably if we were acting as  
6 the LEA, and we were faced with the situation that Mark just  
7 described, new information, it would -- we would probably  
8 also take some time before we actually issued the notice and  
9 order.

10 So I think it's incumbent upon us to stay on top  
11 of these situations and to monitor the negotiations, if you  
12 will, that's going on between the operator and the LEA. But  
13 sometimes these situations develop in such a way that you  
14 can't just say right now we are going to issue a notice and  
15 order. There's some work that needs to go into working out  
16 what's in that notice and order and what was in the  
17 compliance schedule as well.

18 So I realize that you probably have some concern  
19 about is enough being done, and we share that concern and  
20 are trying to work with the LEAs and the operators to make  
21 sure they are being diligent about correcting the problems.

22 BOARD MEMBER PAPARIAN: I may want to look at  
23 these three in a little more detail after the Board  
24 meeting. Obviously there's a step where we can step in and  
25 do the order ourselves. There's also a potential for

1 purging LEA evaluations.

2 MS. NAUMAN: Let us do a little more research on  
3 these three in particular, and we can report back to you at  
4 the Board meeting.

5 MR. DeBIE: I'd like to point out that we have  
6 seen improvement since the legal office did send out their  
7 letters to all LEAs indicating the requirement on the  
8 compliance schedule.

9 I think on the previous publishing list we were --  
10 around half of them had not implemented current schedules or  
11 were in the process, and now we're down to, you know, three  
12 out of the ten. And our understanding is all of these are  
13 working towards actually putting a compliance schedule out.  
14 So they are just -- at this moment in time there isn't one.

15 So we have seen improvement among the LEA  
16 community in their effort to comply with the statute and  
17 regulations.

18 BOARD MEMBER PAPARIAN: One of the things that I  
19 always look for is which ones of these are municipal  
20 utilities. And all three of the ones that are without  
21 schedules are municipals facilities, while there are some  
22 private facilities on the longer list. So that makes it  
23 something worthy of, perhaps, a little extra scrutiny in  
24 this case.

25 BOARD CHAIR MOULTON-PATTERSON: Thank you.

1 Steve?

2 BOARD MEMBER JONES: I think one of the things,  
3 too, is, like, when you look at a Mono that's got a grading  
4 issue, I don't know their grading problem, if it's daily or  
5 if it's slopes where they need to place garbage to build the  
6 slope to get drainage compliance, and maybe a design  
7 change. And Mono's got a pretty small waste stream.

8 So you're looking at not a whole lot of fill, I  
9 mean, material coming in. And that would be valuable, I  
10 think, as far as some anecdotal and support information. So  
11 that when the question comes up about why is it 2004, which  
12 could be the way that they constructed that landfill and  
13 then redesigned it. Or it could be that they're not doing  
14 their job. And if that's the case, then I think we have to  
15 go after them more aggressively. But I think it's important  
16 to know what the pieces are, because it is not all black and  
17 white.

18 MS. NAUMAN: Final item of the section is item 9.  
19 This is a proposed approval of new sites for the Solid Waste  
20 Disposal Cleanup Program, 2136 program. We have five sites  
21 for you this time, total \$1.6 million.

22 Of these, three are Board managed and two are  
23 matching grants. We'd like to just point out to you the two  
24 matching grant items are the two in Los Angeles County, the  
25 Melville Lagoon Illegal Disposal Site and the Santa Monica

1     Illegal Disposal Sites.

2                   These are both sites that overlap the jurisdiction  
3     of the Water Board, and we have pointed out to you our  
4     discussions with them as well as the consideration of using  
5     this program for these particular kinds of situations where  
6     you do have the Water Board involved and question of  
7     responsible parties.

8                   So there is some narrative in there for your  
9     consideration. We have worked closely with the Water Board  
10    on these two sites. They are fully supportive of our  
11    involvement. I believe there is no overlap or duplication  
12    of the involved here. It is similar to the type of project  
13    you approved for the LA River several months ago.

14                  Any questions?

15                  BOARD MEMBER JONES: On this, what is it,  
16    Kerbassie, the first one in northern LA County, was this one  
17    of the existing sites that they had identified? I mean,  
18    we're funding some little patrol up there in LA County  
19    that's supposed to be going after illegal dumpers. And I  
20    guess I'd like to know if they're doing any good or if this  
21    was an existing site that had been on the list that needed  
22    to be cleaned up. I would like to know if these guys are  
23    catching anybody.

24                  MS. NAUMAN: Okay. We are reporting back to you  
25    on that. That completes our section.

1           BOARD MEMBER MEDINA: In regard to the Bureau of  
2 Land Management, I notice they provide a 50-percent match of  
3 an abatement of waste on property up to \$25,000. Do you  
4 know how long there has been 25,000?

5           MS. NAUMAN: We have done a number of sites with  
6 BLM, and it is my recollection that that has been the dollar  
7 amount that we generally have this kind of arrangement of  
8 50-percent up to. And I know staff is here to elaborate.

9           MR. SCHIAVO: In cases where BLM is just a  
10 property owner and not willfully involved in disposal, in  
11 this case, part of the site has BLM land, but it's really  
12 from the private parcels.

13           BLM, we have a standard agreement that any case  
14 like that, should the Board approve it, that it has cost  
15 sharing for BLM that's 50/50. We have done that from time  
16 to time.

17           BOARD MEMBER MEDINA: 25,000 is their limit?

18           MR. SCHIAVO: On this particular case the estimate  
19 is that for the amount of waste on their property, half of  
20 that's going to be 25,000 to clean up. Sometimes it can be  
21 more. We've had BLM projects where it is on the order of  
22 100, 200, over 200,000, their part, which is 50 percent of a  
23 much larger complex cleanup.

24           MS. NAUMAN: I forgot item 10 was going to be on  
25 the briefing today, and item 10 is a discussion item, and

1     this is a report back and seeking on alternative daily  
2     cover.

3                 As you recall, we were in Long Beach in July. And  
4     we had quite a discussion about issues to alternative daily  
5     cover, issues about reporting and the use of.

6                 Since that time, per your direction, we have  
7     started the process of forming a work group. We held a  
8     lengthy session to kind of review some of the issues and lay  
9     the ground work for that in mid-September.

10                So we'll be reporting back to you in this item.  
11     The discussion that occurred at that time and allowing the  
12     opportunity for the Board to apply a direction to us, I  
13     don't anticipate that meeting -- we are going to have a  
14     workshop-type thing at the Board meeting, but just staff  
15     reporting to you and clarifying direction.

16                BOARD CHAIR MOULTON-PATTERSON: Thank you, Julie.  
17     At this time do we have any public comments on this section,  
18     the Permit section of our agenda? Seeing none, Patty.

19                MS. WOHL: Item 11 is the next 24 compliance  
20     agreements for the RBBC program. These should start to be  
21     looking familiar to you. We anticipate that this will be 24  
22     out of about 197. That number keeps changing a little bit,  
23     depending on how things move through the system, but we're  
24     making enormous progress in that area.

25                Number -- any questions on that?

1                   No. 12 is on consent. I just wanted to mention  
2   that the recognition will take place at the local business  
3   with the Board members in conjunction with public affairs.  
4   So they will still be getting their recognition.

5                   And then item 13 is the approval of the contractor  
6   for the multiple recycle product trade show. The bids are  
7   still out. The due date's tomorrow. So we will know at the  
8   Board meeting who the contractor is and the amount.

9                   I'd just like to mention that you may want to do  
10   item 15 prior to item 13 at the Board because 15 is the  
11   contract concept that would decide if you approved the money  
12   to do the trade show.

13                  BOARD CHAIR MOULTON-PATTERSON: So 15 before No.  
14   13.

15                  MS. WOHL: And that's it for Waste Prevention.

16                  BOARD CHAIR MOULTON-PATTERSON: Okay. The trade  
17   shows on April 4th and 5th, are those firm dates?

18                  MS. WOHL: Right, I believe it's either the 4th  
19   and 5th or 3rd and 4th. 4th and 5th.

20                  BOARD CHAIR MOULTON-PATTERSON: Okay. Great.  
21   Thank you.

22                  BOARD MEMBER JONES: Just a quick question. On  
23   the Wrap winners, we don't have a big pallet issue here do  
24   we? I remember some pallets, some Wrap winners that got  
25   huge diversion for pallets being counted at 800 pounds a



1 piece, but I think we've -- I hope that that's not the case.

2 MS. WOHL: Yeah, I don't believe there is an issue  
3 with that.

4 BOARD MEMBER JONES: All right. Because we do  
5 have ongoing issues with counting, as we all know.

6 BOARD CHAIR MOULTON-PATTERSON: Okay. Any public  
7 comments on Waste Prevention and Market Development? Okay.  
8 Going to the Executive Administration and Policy section,  
9 No. 14, Rubia, you are doing now strategic plan?

10 MS. PACKARD: With the policy office. This is the  
11 item that presents the complete draft of the Board's 2001  
12 strategic plan, contains all of the accompanying text and  
13 appendixes, etcetera, that you had not seen before this.

14 As you recall, the Board, you have seen the  
15 elements of the plan, the vision, mission, values, goals,  
16 strategies and objectives. I apologize for the copy that  
17 came with the packet, did not show the shading. It for some  
18 reason didn't print very well.

19 So the copy with the packet doesn't show the  
20 shading that shows you the objectives and strategies that  
21 were new, but I believe the copy that was sent around to  
22 your offices just before that did. So Deborah has handed  
23 out a copy that shows the shading really clearly for you.

24 The new sections that are in there, so the  
25 objectives and strategies, some of those were as a result of

1 comments from Board members, some from programs and also  
2 some from the CalEPA vision group, that strategic vision  
3 group that we've been working with that consists of  
4 membership from all of the CalEPA boards and departments.  
5 And they have made some comments as have some of the CalEPA  
6 staff of things that maybe needed to be addressed or maybe a  
7 little clearer, so you can see where those changes are.

8           So what we're hoping for with this item is  
9 adoption by the Board. I do want to say, however, that we  
10 were expecting to have comments from the office of the  
11 secretary prior to the Board meeting. We have not received  
12 any comments on the plan yet. So I'm hoping to have those  
13 before the Board meeting so that we can incorporate those,  
14 any comments that the secretary himself or his direct staff  
15 have.

16           We did receive comments from CalEPA staff,  
17 however, and have addressed those in those shaded areas.  
18 I'd be happy to answer any questions about it.

19           BOARD CHAIR MOULTON-PATTERSON: Item 15, TJ.

20           MS. JORDAN: Good morning, Board members, Terry  
21 Jordan. Item 15 is for Board allocation of the fiscal year  
22 2001 and '2 consulting professional services concepts from  
23 the Integrated Waste Management account only.

24           As you know, there is a five-year plan, and the  
25 concept within there, and the oil item is coming forward to

1 the Board this month. I believe it is item 24. So this is  
2 integrated with accounts only. There were a total of 33  
3 concepts that were submitted by both Board offices and  
4 program staff, and that total is 4.3 million.

5 As there's only 1.8 available in the Integrated  
6 Waste Management account for discretionary C and P,  
7 obviously there is a reduction that needs to be made in some  
8 of the areas. The executive staff have provided a  
9 recommendation.

10 Also, the budget subcommittee has gone over these  
11 and have also provided a recommendation. There are the  
12 first three attachments that are within the packet related  
13 to the mandatory services which are the ministerial or  
14 required contracts.

15 In addition, we have also relayed the program  
16 support implementation contract concepts for the RMDZ and  
17 the solid waste truck fund, or 2136 program, as they are  
18 ministerial in nature, also.

19 Under the discretionary there was a review by the  
20 subcommittee, and the subcommittee recommendation was  
21 approximately 1.6 million worth of concepts, and leaving a  
22 balance of \$281,000. Attachment four actually will roll out  
23 for you all the different scenarios of what strategic plan  
24 goals, time sensitive, the recommendations made of the  
25 executive staff and the subcommittee. Any questions?

1                   BOARD CHAIR MOULTON-PATTERSON: Thank you, TJ. I  
2 just want to thank you and your staff, again, Budget  
3 Committee, met twice and went over these in detail. I know  
4 it was a lot of work on your part, but I really think it was  
5 very worthwhile for me and the other members of the Budget  
6 Committee. So thanks again.

7                   Any questions? Okay. Item 16.

8                   MS. PACKARD: This agenda item presents to the  
9 Board a matrix that lists the more immediate things that we  
10 believe we could implement in order to begin to address  
11 environmental justice concerns in our programs as requested  
12 by the Board, and I can't remember if it was July or  
13 August. This is the first part of the work that we're  
14 intending to do.

15                  As you'll note, the program areas that are  
16 addressed in that matrix are a grant programs, contracts,  
17 loans, education, relative to schools program, education  
18 relative to State agencies, outreach in certain areas, RMDZs  
19 and awards. And the work that is planned for the future is  
20 similar to this, will be the more long-term, in-depth, more  
21 complex controversial kind of things, like the permit  
22 program.

23                  And we have been having some meetings with staff  
24 and Board members about some of the issues in those areas,  
25 so we hope to get more guidance on where to go with the

1 other issues, like the permit program.

2 This chart just shows the things that we feel we  
3 can do now in these areas.

4 So I'd be happy to answer any questions that you  
5 have.

6 BOARD CHAIR MOULTON-PATTERSON: I don't see any at  
7 this time.

8 MS. PACKARD: Thank you.

9 BOARD CHAIR MOULTON-PATTERSON: Okay. On item 17  
10 on procedures, before I turn it over to John, I had  
11 requested to see some of the procedures that the Board was  
12 operating on, and they haven't been revised since 1991, I  
13 believe. So that's the reason that we've asked to take a  
14 good look at them and see. And, you know, the Board  
15 certainly might have some changes. But I will turn it over  
16 to John at this time.

17 MR. SITTS: Item 17 is consideration of approval  
18 for procedures for Board meetings. It represents staff's  
19 efforts working closely with the legal office and with the  
20 Chair's office to document current Board procedures and put  
21 those forward for discussion and consideration.

22 The item is basically laid out with three  
23 attachments. The first attachment is a glossary that shows  
24 Board procedure items defined and described for people who  
25 like charts and matrixes more.

1           The second attachment is broken down into three  
2 parts, Board meeting preparation, Board meeting briefings  
3 and then Board meeting itself.

4           And the last attachment is just the old procedures  
5 that the Chair just referenced from 1991 which dealt mostly  
6 with committee meetings and other things that aren't as  
7 well-known today. So we'll be presenting this item, and I'm  
8 sure there will be some discussion.

9           BOARD CHAIR MOULTON-PATTERSON: Thank you, John.  
10 Any questions?

11           BOARD MEMBER PAPARIAN: Madam Chair, just to alert  
12 you, I am hoping to pull together a couple of suggestions to  
13 -- relating to public participation that hopefully will be  
14 non-controversial. I haven't had a chance to do that prior  
15 to this briefing today. At the Board meeting I'll be  
16 presenting those.

17           BOARD CHAIR MOULTON-PATTERSON: Thank you. That  
18 ends the Executive Administrative and Policy part of our  
19 agenda. Are there any public comments?

20           BOARD MEMBER JONES: Just one quick one, because I  
21 don't think he's going to be at the Board meeting down in  
22 Diamond Bar. The first State of California specific Mono  
23 training happened this month.

24           Don Dier, who was part of the policy office, put  
25 together an incredible, with the help of others, but really

1 Don put it together, the California specific side of that  
2 training, which is pretty tough. It's not very easy.

3 And because he probably won't be in Diamond Bar, I  
4 wanted to thank him personally with folks around. He did an  
5 incredible job. There were 49 people that took the class.  
6 They all learned something. I mean, these are managers of  
7 some of the biggest landfills in the state of California  
8 that finally understood why they were doing certain things.  
9 They knew they had to do them, they just didn't know why.

10 And Mono County put their new landfill operators  
11 in this class, which was one of the goals of this class,  
12 trying to teach people things. You only know what you  
13 know. So the more you can teach, the better the level of  
14 training was going to be. So I wanted to acknowledge Don  
15 Dier. He did a great job. He wrote that curriculum and  
16 really provided a service to the State of California, so I  
17 wanted to thank him.

18 BOARD CHAIR MOULTON-PATTERSON: And, Steve, we are  
19 presuming you did pass the class?

20 BOARD MEMBER JONES: No idea.

21 BOARD CHAIR MOULTON-PATTERSON: Thanks for your  
22 time. I know it was quite a commitment. Okay. We'll move  
23 right on to Special Waste.

24 MS. GILDART: Item 18 is consideration of approval  
25 of the grant awards for the 2001, 2002 waste tire

1 enforcement grant. There has been \$2 million made available  
2 in the Board's five-year plan for this year. We received  
3 six applications totaling about \$678,000.

4 Because there are funds remaining, we are  
5 considering offering a second round of this same grant  
6 program. We had participated in the permitting and  
7 enforcement division's local enforcement agency training.  
8 It was about a month ago, I think, and received several  
9 inquiries. So we were hoping that we'll be able to fully  
10 use the moneys allocated if we offer a second cycle.

11 Are there any questions on this item?

12 BOARD CHAIR MOULTON-PATTERSON: I don't see any.  
13 Martha.

14 MS. GILDART: Item 19 is consideration of a  
15 revised major waste tire facility permitted for American  
16 Tire Disposal. They are an existing major waste tire  
17 facility permit holder. They are merely expanding the  
18 acreage on which they will be conducting the operations.  
19 They are not actually increasing storage or number of tires  
20 they'll be handling. It is a fairly straightforward  
21 permit.

22 And then item 20 is also consideration of a  
23 revised major waste tire facility permit. In this case,  
24 they're actually requesting to decrease the number of  
25 permitted tires to be stored on site. And there will, of



1 course, be a decrease in the financial assurances for the  
2 closure plan. Both of these seem very straightforward. Are  
3 there any questions?

4 BOARD CHAIR MOULTON-PATTERSON: I don't see any.

5 MS. GILDART: Item 21 is the approval award  
6 contract for the remediation of the Wesley Tire Fire Site.  
7 This is one of the Board's major contracts for the year.  
8 There have been moneys set aside for each of the next five  
9 years in the Board's five-year plan to address the  
10 remediation and contamination at the Wesley Tire Site. Up  
11 to \$11 million will be made available in those five years.

12 This contract has to deal with the next three  
13 years' effort. And at the end of that three years, we'll  
14 consider either extending or going out again if necessary.  
15 We are allowing a little bit of room there for  
16 contingencies.

17 The panels were convened of staff. We had members  
18 from the tire cleanup section, the tire market development  
19 section, permitting and enforcement division and originally  
20 individuals from the Department of Toxic Substances  
21 Control.

22 However, that individual was called back to active  
23 duty. He's in the Reserves and was not able to complete the  
24 process in selecting a contractor. Staff has ranked the  
25 applications, and we will be presenting that at the Board

1 meeting.

2 We have just gotten the numbers in this last  
3 week. Are there any questions? We'll be making the listing  
4 available to the Board members in the next few days. We  
5 have just gotten that completed.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you.

7 MS. GILDART: Item 22 is a consideration of  
8 approval of an interagency agreement between the Board and  
9 the Department of Toxic Substances Control. This is to  
10 continue activities at the Wesley site and to begin  
11 activities at the Tracy Tire Fire Site.

12 This item has originally been on the September  
13 calendar and was pulled to give Toxic additional time to  
14 consider the language in the scope of work. We are still in  
15 discussions with the Department on the specifics of that  
16 scope of work?

17 A. And as I understand -- I have been on vacation the  
18 last couple of weeks -- we're expecting agreement within the  
19 week and that we will have a draft of that scope available  
20 for the Board also very shortly.

21 BOARD CHAIR MOULTON-PATTERSON: So you do think it  
22 will be ready for the Board meeting. Okay. Thanks.

23 MS. GILDART: And then item 23 is actually the  
24 same consideration of an interagency agreement with the  
25 Water Quality Control Board, and it is in about the same

1 status. They are linked, the two of them. So we will be  
2 making both those scopes available shortly. Are there any  
3 questions?

4 BOARD MEMBER JONES: If the scopes aren't done,  
5 then these basically get held over?

6 MS. GILDART: Yes, that would be the process. We  
7 are hoping -- we are trying to move these as quickly as  
8 possible because there is still time to get into the field  
9 this year, both with our own contractor and with any of the  
10 supervisory efforts of the Department or the Board to get  
11 some work done before the winter rains begin. So we're  
12 trying to move as quickly as possible. But we also need to  
13 work with our sister agency and see what their concerns are.

14 MS. WILLD-WAGNER: Shirley Willd-Wagner with the  
15 Special Waste Division. Item 24 is our annual used oil fund  
16 allocation item.

17 The purpose is twofold. We'll review the fund  
18 status and the statutory requirements for expenditure and  
19 also present contract concepts for discussion. We'll walk  
20 you through the funds and statutory obligations for  
21 expenditures from the fund and identify that discretionary  
22 piece of the pie, so to speak.

23 And then in the contract concepts, those --  
24 there's about 2.1 million in that discretionary pot this  
25 year, and the contract concepts then speak to that 2.1

1 million.

2           What we're going to do is follow the example that  
3 was set by the Integrated Waste Management account contract  
4 concept item and provide all the contract concepts here in  
5 October, but not ask for approval until the November  
6 meeting, giving the Board a month to review and discuss the  
7 contracts as they're proposed.

8           We have presented here all of the concepts that  
9 have been presented to staff for your review and  
10 discussion. We do expect two presentations at the Board  
11 meeting from proponents of contract concepts and also want  
12 to mention that you saw a presentation in August by San  
13 Francisco State Public Resources Institute. We're using the  
14 study and the results of those studies.

15           In November we'll have a matrix for you that sort  
16 of identifies which contract concepts and how they're  
17 supported by that PRI study.

18           Also, we're going to use that to help develop a  
19 five-year plan for the used oil fund so that we know where  
20 we want to spend the funds for education and outreach in the  
21 used oil program for the next five years. So we'll be  
22 developing that at a later point. But the Board members  
23 should have, by the first week in November, the actual final  
24 report from the Public Resource Institute.

25           So as I said, we're only going to be presenting

1 the concepts for discussion at this time and then come back  
2 in November for the approval.

3 BOARD MEMBER PAPARIAN: Madam Chair, I wonder if  
4 in that intervening time it would be appropriate to have the  
5 contract concepts go to the Budget Committee, then review  
6 the item to make contract concepts. Have it go to the  
7 Budget Subcommittee for review and recommendation.

8 BOARD CHAIR MOULTON-PATTERSON: I would certainly  
9 think that would be a great idea and -- let's get our  
10 calendars together and get some dates so we can go through  
11 it a little more clearly. Any other questions or comments?  
12 Okay.

13 MS. WILLID-WAGNER: Okay. Item 25 is the approval  
14 for the score and criteria evaluation process for the used  
15 oil opportunity program, fiscal year one and two. This is  
16 one of the pieces that will be discussed in the previous  
17 item. We have identified approximately \$5.8 million for the  
18 opportunity grant program, and this item simply brings  
19 forward the standard criteria and evaluation process for  
20 your approval.

21 BOARD CHAIR MOULTON-PATTERSON: Thank you very  
22 much. Any further questions or any public comments or  
23 questions on special waste? Okay. I don't see any. So  
24 we'll go to Pat, Diversion Planning and Local Assistance,  
25 item 26.

1           MR. SCHIAVO: Item 26 is consideration of staff  
2   recommendation to change the base year to 1998 and  
3   consideration of a 1997 biennial review as well as  
4   completion of compliance work in Big Bear Lake.

5           In August we initially brought this item forward.  
6   The Board denied the request and had us go back and go  
7   through this in more detail.

8           Originally Big Bear Lake submitted a request for  
9   72 percent diversion rate. We went back out to Big Bear  
10   Lake and scrutinized this in a lot more detail, and we did  
11   come up with some more deductions. One was-- there's two  
12   real peculiar ones. One was there's an asphalt concrete  
13   diversion of about 13,000 tons that we reduced, and the run  
14   for those between the August Board meeting and now. One of  
15   the big businesses that was diversion material actually went  
16   out of business.

17          Again, it is a real anomaly. Staff can confirm it  
18   went out of business since the time of the last Board  
19   meeting. So to be real conservative, we just wanted to take  
20   that out of the equation, because we don't know if anyone's  
21   going to be picking up that diversion material right now.

22          Another one of the major elements is the dredging  
23   in the lake weeds for about 11,000 tons or so. Again, in  
24   scrutinizing this in a lot more detail, we found that the  
25   lake actually belongs -- it is not in Big Bear. It is in

1 San Bernardino unincorporated. So looking at map boundaries  
2 more closely we found that.

3 In addition, the municipal water district, which  
4 is located in Big Bear Lake proper, is actually not part of  
5 the city. It is, again, another anomaly. So we reduced  
6 that tonnage out of here. We also reduced about 1200 tons  
7 that was -- in looking through the records, appeared to be a  
8 double counting, and then there's another -- I think there's  
9 about 400 tons that we reduced, we felt comfortable anyway  
10 with the reductions. We ended up with a reduced rate of 56  
11 percent for Big Bear Lake.

12 BOARD MEMBER JONES: Now, will San Bernardino  
13 County be able to take credit for that?

14 MR. SCHIAVO: If they decide to do a new base  
15 year, that would belong to them.

16 BOARD CHAIR MOULTON-PATTERSON: Thanks. No. 27.

17 MR. SCHIAVO: No. 27 is consideration of approval  
18 of a memorandum of understanding between the California  
19 Integrated Waste Management Board and the Morongo Band of  
20 Weitchpec Indians.

21 If you recall at the last Board meeting we  
22 submitted an item that discussed an implementation of our  
23 efforts of dealing with various tribes throughout the  
24 state. This is a first real action. And the primary  
25 purpose of this MOU is going to be continued protection of

1 Morango Band and California environmental services and  
2 resources.

3 Another major purpose will be to set a precedent  
4 or set up a model, if you will, of what this kind of process  
5 could look like in working with the Morango Band of Indian  
6 tribe.

7 We're still working out some last minute details,  
8 but I have been assured that this is going to be going  
9 forward, but there's still some things we need to do.

10 BOARD MEMBER MEDINA: I just want to recognize and  
11 thank the staff for the work that they have put into getting  
12 this MOU together, and also for moving it forward.

13 BOARD CHAIR MOULTON-PATTERSON: We want to thank  
14 you, Jose, for your leadership on this. We're looking  
15 forward to it. Okay. No. 28.

16 MR. SCHIAVO: Item 28 is consideration of state  
17 audit records recommending of a new base year and more  
18 specifically recommendations 15 and 16 of the audit report.  
19 The recommendations included was that the Board should  
20 require jurisdictions to do a new base year every five  
21 years, and the other was that the Board should only include  
22 appropriate materials counting towards the diversion  
23 requirements, and then we should also seek concurrence from  
24 the Legislature.

25 These recommendations actually require statutory



1 authority. It is beyond what the Board can do at this point  
2 in time. However, in lieu of this and related to these as  
3 we have been pursuing completion of the SB 2202 study, in  
4 which you'll hear draft reports this afternoon or later this  
5 morning, depending on the time.

6 Okay. And item No. 29 is consideration of action  
7 on the submittal of Integrated Waste Management plans as  
8 required by AB 75 have been deemed incomplete for the  
9 following large State facilities and at Cerritos Community  
10 College and College of the Sequoias. And this item was very  
11 similar to the item we brought forward last month. These  
12 are just two additional colleges that fell out in the  
13 process.

14 And I would like to mention that related to that  
15 is that we will be getting October 30th, and we noticed  
16 everybody, our workshops regarding AB 75 and the  
17 instructions as well as some of the assistance that we'll be  
18 providing to AB 75 State agencies.

19 BOARD CHAIR MOULTON-PATTERSON: Item 30.

20 MS. WOHL: I'll go ahead and do that. This has  
21 been a collaborative effort between marketing and permitting  
22 and enforcement, and, of course, the Board members have been  
23 involved, Steve Jones in particular. So this is an oral  
24 presentation on the discussion item of the South Coast Air  
25 Quality Management District, in particular the proposal rule

1 1133 regarding emissions reductions and composting  
2 facilities. So it will be an opportunity to tell you what  
3 we found out so far in this area and then allow public  
4 comment on the subject.

5 BOARD CHAIR MOULTON-PATTERSON: That's great. I  
6 think it's good that we have this on our agenda.

7 BOARD MEMBER JONES: I want to just say that I  
8 think it's Nancy Carr and Lorraina Van Kekerix and Pat  
9 Schiavo have put together a real green waste  
10 characterization of that region to show just how much  
11 organic material is being generated in Southern California  
12 and then used in the disposal reporting system has showed  
13 that the actual disposal of green waste in Southern  
14 California has been cut by almost two-thirds because of a D  
15 and C and compost.

16 And for the members, they have been so busy they  
17 have been in and out, as have I. And just real briefly,  
18 we've had three or four meetings with the South Coast Air  
19 District who really wants all composting facilities to be  
20 involved, and they are convinced that the composting  
21 industry will build these 20- and 30-acre facilities to stay  
22 in business.

23 Yet when you ask the industry they all, to a  
24 person, say they can't afford to do that. They are not  
25 going to do that. Which means if you look at the organic

1 material in Southern California, it's 35.7 percent of a  
2 waste stream. If that is not able to be recovered, then  
3 none of those jurisdictions can meet the mandate of AB 939  
4 based on a rule from another agency.

5 And on data that was collected six years ago from  
6 biosolid co-composting facilities, four facilities, and we  
7 are trying, the Board, the Budget Committee did a great job  
8 in allocating some more dollars. When we went into a  
9 meeting that week, based on -- using that information, we  
10 were basically told thanks, but no thanks.

11 We got all the tests that we need. I think it's  
12 critical, and I think that for staff to bring this forward  
13 and to allow people to be able to comment on what the real  
14 impacts are going to be of AB 939 is critical to the making  
15 of this rule. And I appreciate the Chair Woman allowing me  
16 to work on this with her and her office. I appreciate it.  
17 Thanks.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you. I know  
19 we're all very concerned. I know Senator Roberti has had  
20 some Southern California meetings with some of the  
21 individuals. So we appreciate all the staff's work also.

22 BOARD MEMBER PAPARIAN: Is there any background  
23 from South Coast on this other than whatever the ground rule  
24 is?

25 MS. WOHL: I think we have seen very little in the

1 actual writing, but we could provide you with some  
2 background. Is that what you want?

3 BOARD CHAIR MOULTON-PATTERSON: I am still waiting  
4 for my letter. When did we send it out, a month ago to the  
5 Chair? I have not gotten anything back.

6 BOARD MEMBER PAPARIAN: Just basic background,  
7 what their reasons are, maybe the basic rule, and we have  
8 some response.

9 MS. FRIEDMAN: There's very little information  
10 that we have published other than some draft proposed staff  
11 reports which go on many, many pages and provide little  
12 information. I can certainly provide that to you. But in  
13 terms of the analysis of kind of what you're looking for, I  
14 think it would be difficult in reading the material, but I'm  
15 happy to provide that to you, so a copy of their draft staff  
16 report.

17 BOARD MEMBER PAPARIAN: When you say it's long,  
18 how long are you talking about?

19 MS. FRIEDMAN: I think seven or eight chapters and  
20 maybe 50 pages or so.

21 BOARD MEMBER PAPARIAN: We can talk about this.

22 MS. FRIEDMAN: I think I can provide you with  
23 something.

24 BOARD MEMBER JONES: Judy, just one other thing.  
25 I think that the testing information, whatever Jeff Watson

1 or Kevin have been able to or yourself have been able to put  
2 together for the meeting, they have actually changed the way  
3 they're testing for the emissions. They are not using the  
4 flex bag. They are going to a laser-type testing that has  
5 some problems with different -- I don't want to say this the  
6 wrong way. Different laboratories cannot get the same data  
7 if you use the bag versus the canisters. Using that  
8 technology, the numbers don't come out the same. So we need  
9 a little discussion on that.

10 We are not trying to second-guess them. It is  
11 just that they don't take any of our responses. We haven't  
12 seen any of them written down, that's for sure, and they  
13 basically have said that everybody will build these  
14 facilities. And if people go out of business, well, that's  
15 all part of life. But they are not understanding the  
16 enormity and the impact of AB 939. And to change testing at  
17 the very last minute seems kind of unusual.

18 MS. FRIEDMAN: We are trying to understand exactly  
19 the differences in their protocols and how they do that.  
20 Information is somewhat difficult in terms of forthcoming  
21 from them, but we are actively seeking out the information  
22 about what methods they've used and how they've changed it,  
23 etcetera.

24 Also, in part so that when we conduct our own  
25 analyses under the concept that you are looking to approve,

1 we can be consistent with whatever processes they use. But  
2 what I can do in the meantime is provide sort of a  
3 chronology of what we've done, how we've interacted with  
4 them and where they're at with their process. I think that  
5 will also help in terms of providing based on information  
6 for all the Board members.

7 BOARD CHAIR MOULTON-PATTERSON: That's great.  
8 Thanks, Judy. Okay. Any public comments on the division  
9 and planning part of our agenda or item No. 30.

10 Okay. Seeing none, we'll go to item 2, discussion  
11 and presentation of solid waste program projects on Native  
12 American tribal lands. Todd Thalhamer is going to be  
13 presenting.

14 MR. THALHAMER: I would like to bring forth a  
15 solid waste cleanup program tribal update. What we've done  
16 in the past -- I know there's also an item coming up before  
17 you on table five. So what we'll do is go from here.

18 It's about 15 slides, and I think we have about a  
19 four-minute video presentation also. I am going to cover  
20 the tribes of California solid waste issues, past successes  
21 and conclusions. If we have any questions or concerns,  
22 we'll address those questions at the end.

23 Just to give you an idea, the federally recognized  
24 tribes -- this is kind of a quick overview in the state of  
25 California, kind of give you a density map.

1           Quickly on this, I just wanted to highlight that  
2   the tribal governments are sovereign entities, and it is the  
3   government's primary responsibility for setting the  
4   standards. So they are their own governmental agencies.

5           In developing our cleanup program, we have adopted  
6   a lot of U.S. EPA tribal support themes for an integral part  
7   of the financial and technical assistance. We do a lot of  
8   education with them, and we have many partnerships during  
9   cleanup.

10          To give you an idea, some of the things that we  
11   have come across, some of the issues that we've had,  
12   historically as in Weitchpec was a long-term dump, 50-plus  
13   years, at least that we were able to document illegal  
14   dumping, extremely remote locations.

15          Most of the tribes are in areas that are extremely  
16   difficult to get to as well, and they have no services.  
17   That's kind of a central theme in a lot of the tribal  
18   cleanups. We have numerous agencies involved, and, of  
19   course, your threats to public health and safety. As you'll  
20   see here in the video pretty soon, I can list them here, but  
21   once you see the video, you'll understand these as well.

22          We have partnered with many agencies during our  
23   tenure in the program. Basically we've had tribal  
24   governments, U.S. EPA, Indian Health Services, Bureau of  
25   Indian Affairs, local governments from county roads

1 departments to Caltrans to LEAs as well. We have partnered  
2 up with basically anybody we can find.

3 This is kind of an overview of the cleanups to  
4 date. We have three, Weitchpec, Cappell, Round Valley.  
5 Statistics, over 8,000 tons of solid waste, approximately  
6 5,000 tons of metal recycle, 80 tons of tires and 1000  
7 batteries were removed from one site.

8 Kind of go in quick detail on each one. Funding  
9 type, Weitchpec was actually the program's illegal disposal  
10 removal site. There's statistics on it. This is a great  
11 partnership. Indian Health Services actually developed and  
12 built the transfer station. There wasn't a transfer  
13 facility located there. That was part of the illegal  
14 dumping issues and programs.

15 This is actually a photograph of the work in  
16 progress. At the time this was Norcal Construction. They  
17 came up from Southern California and were our first  
18 contractor for the removal of the burn dump, slash, illegal  
19 dump process. Here was two CATs connected by cable and  
20 excavator and material pulled from the remaining bottom of  
21 this hill was actually Klamath River. The drainage was  
22 directly impacting the Klamath River.

23 The Cappell dump, funding type, board managed,  
24 1000 tons, again, the thousand batteries. Most of these  
25 batteries were due to the fact that the homes themselves



1    were on solar, and then throughout the years you would  
2    discard the batteries. They would illegally dump them over  
3    the side of the cliff, and we were pulling out all types of  
4    heavy-duty solar batteries.

5               Then Round Valley was illegal disposal. We went  
6    ahead and removed through a grant. That was a partnership  
7    grant with Indian Health Services, came up with the funds  
8    for tribal lands.

9               At this point I would like to go ahead and switch  
10   over to the video.

11              (Video playing.)

12              MR. THALHAMER: Possible partnership activities,  
13   this kind of gives you an outline of what we've done in the  
14   past. But as far as these three tribal cleanups, we have  
15   done all these. We have developed and implemented solid  
16   waste management codes for them.

17              They have done it themselves. We have worked with  
18   the partnership, along with Indian Health Services. They  
19   have actually developed the infrastructure to provide  
20   recycling, disposal.

21              Education is actually a pivotal key in the  
22   Weitchpec cleanup. We went to the kindergarten through  
23   sixth grade and had some of the kids make no dumping signs  
24   and posted them throughout the tribal communities. And the  
25   kids and the parents really bond between the sites in the

1 tribal communities.

2 Enforcement is tough. A lot of times we are in  
3 the middle of nowhere. The tribes themselves, most of the  
4 time, do not have officers available to write tickets for  
5 illegal dumping. Extremely difficult to catch, as we all  
6 know, for illegal dumping due to the remote locations. But  
7 with all the rest of the bulletin items, enforcement  
8 actually is sometimes a last approach if we can fix it  
9 through the other means.

10 Currently these are approaches. We are going to  
11 proceed, contact as many agencies who want to build on the  
12 past, identify and establish new tribal partnerships,  
13 federal partnerships, begin to work on priorities, continue  
14 the direction established under these principles.

15 And conclusion, this pretty much sums it up. If  
16 you have any questions, I can address those issues.

17 BOARD CHAIR MOULTON-PATTERSON: Questions? Well,  
18 looks like the money is going for good purposes and thank  
19 you for all your work. This was really helpful. Okay.  
20 Thank you so much. That takes us to No. 3, update on the  
21 status of compliance orders issued for '95-'96 biennial  
22 reviews.

23 MR. SCHIAVO: This presentation will be made by  
24 Jill Simmons, and this is Jill's first presentation to the  
25 Board.

1               BOARD CHAIR MOULTON-PATTERSON: We'll be gentle.

2               MS. SIMMONS: Good morning. Out of the 65  
3 jurisdictions that were issued compliance orders during the  
4 1995-'96 biennial review process, 25 jurisdiction remain out  
5 of compliance. We have provided an updated informational  
6 table to you on the status of the jurisdictions that remain  
7 out of compliance. We have highlighted these changes in  
8 green, and please note that the column "Project Status" is  
9 actually now the current status.

10              Also, please note that all of the jurisdictions  
11 now have either submitted their base year studies or have  
12 submitted extension requests, including the City of La  
13 Quinta, that previously had been nonresponsive.

14              Staff sent a letter to 14 of the jurisdictions  
15 that had not yet submitted their base year studies  
16 requesting that they do so by October 8th. Five of the  
17 jurisdictions have submitted their base year studies by  
18 October 8, and they are complete. Nine jurisdictions have  
19 submitted extension requests for additional time to complete  
20 their base year studies.

21              The extension dates vary from October 31st to  
22 January 31st. A consideration item requesting time  
23 extensions to the compliance orders will be brought forward  
24 at the November Board meeting.

25              Of the remaining 11 jurisdictions, six

1 jurisdictions have submitted their base year studies, and  
2 they are currently being reviewed by staff. Four  
3 jurisdictions are improving program implementation, and one  
4 jurisdiction has completed a generation study, and the study  
5 is currently being reviewed by staff.

6 This concludes my presentation. And do you have  
7 any questions at this time?

8 BOARD CHAIR MOULTON-PATTERSON: Questions? I  
9 don't see any at this time. And thank you for that nice  
10 presentation.

11 MR. SCHIAVO: This was initiated in July or  
12 August, I can't remember the exact date, but the Board  
13 directed staff to take a look at the impact of state and  
14 federal facilities. The C and D projects on jurisdictions'  
15 diversion rates. And we have come up with a couple of key  
16 scenarios and some options that may be available to us. And  
17 this presentation will be made by Catherine Cardoza, and she  
18 has done a lot of these.

19 MS. CARDOZA: Morning, Madam Chair, Board members,  
20 agenda item 4 includes a brief discussion of two example  
21 cases that have been brought to staff's attention. One is a  
22 short-term or one-year project. It has the potential to  
23 impact the City's diversion rate for that year. Another is  
24 a long-term project that spans three or four cities but  
25 where the construction and demolition, or C and D, waste is

1 being allocated to only one of the jurisdiction.

2 The second example was discussed more fully in a  
3 March 2001 agenda item.

4 The majority of the item, however, is a discussion  
5 of six possible options for dealing with impact from state  
6 or federal C and D projects on jurisdictions' diversion  
7 rates. Options one through four have been used before by  
8 the Board to resolve various diversion rate issues, with  
9 option four used to resolve the specific issue of C and D  
10 impact.

11 Option five has not been used, although the Board  
12 does have an approval process.

13 Option six, deduct reporting year disposal has not  
14 been used by the Board.

15 I will now briefly describe each of the options  
16 highlighting only the key points.

17 Option one allows the Board to consider a  
18 jurisdiction's good faith efforts to implement diversion  
19 programs aside from a C and D project outside of its  
20 control. This option was used for a few jurisdictions  
21 during the '95-'96 biennial review process when their review  
22 rates were slightly lower than the 25 percent diversion  
23 requirement.

24 A benefit of this option is that it would  
25 acknowledge a jurisdiction's efforts to implement its source

1 reduction and recycling development despite the C and D  
2 project.

3 A major concern of the option, however, is that  
4 some jurisdiction might not be a large diversion rate, might  
5 not be okay.

6 Option two would allow the jurisdiction to extend  
7 a new base year based on a new waste generation study that  
8 included both disposal and diversion from a C and D  
9 project. It would, therefore, be important for the  
10 generation tenant measured to be representative of a  
11 jurisdiction's annual waste stream, and for the agency  
12 responsible for the project to work with the host  
13 jurisdiction so that the tonnage disposal would be tracked  
14 by jurisdiction of origin.

15 One difficulty with this option is determining  
16 when a project would be considered representative. For  
17 example, a six- or seven-year project might be, but a  
18 short-term project, say one or two years, would not.  
19 Including such tonnage and a new base year could result in  
20 an abnormally high disposal and/or diversion amount for that  
21 year, leading to an overestimated diversion rate after  
22 project completion.

23 That could occur because the jurisdiction's  
24 disposal tonnage would likely be lower than it was during  
25 the project. A major benefit of this option is that a new

1 waste generation study that included the project's disposed  
2 and overt waste could be representative of a jurisdiction's  
3 waste stream and diversion. And, therefore, a good basis  
4 for an accurate estimate of a jurisdiction's diversion  
5 rate.

6 The challenge, however, is to cost-effectively  
7 conduct a new waste generation study to develop a new base  
8 year.

9 Option three would allow jurisdictions to  
10 calculate the diversion rate using generation studies, and  
11 that is directly including the tonnage from a state or  
12 federal C and D project.

13 This option would not be establishing a new base  
14 year, however. So once the project was completed, a  
15 jurisdiction could once again use its original base year for  
16 estimating the annual diversion rate.

17 It would, therefore, be important that a  
18 jurisdiction allow this option to know that jurisdictions  
19 are now required to maintain a 50-percent diversion rate  
20 after 2000, unless they have a Board-approved reduced  
21 diversion program.

22 The benefit of this option is that new waste  
23 generation studies that include a project's disposed and  
24 diverted waste could be representative of a jurisdiction's  
25 waste stream and diversion efforts for the year the study

1 was conducted, regardless of the project's duration.

2           However, conducting a new waste generation study  
3 can be costly, and including tonnage from the large C and D  
4 project could give the jurisdictions a false sense of  
5 achievement. Specifically, once the project was completed  
6 without the project's diversion tonnage, the jurisdiction's  
7 diversion rate would be back to where it was without the  
8 project. Which could be lower if other programs are not  
9 diverting that same amount of waste.

10           Option four would allow the Board to accept a  
11 non-determined diversion rate for a jurisdiction for the  
12 reporting year in question. In this case, as the demolition  
13 portion of the C and D project winds down, the disposal  
14 tonnage should decrease, and its impact on a city's  
15 diversion rate should also decrease accordingly.

16           Some benefits of this option include an avoidance  
17 of a potentially costly new waste generation study, a  
18 non-determined diversion rate, rather than a lower diversion  
19 rate may be more politically acceptable to some  
20 jurisdictions, and a jurisdiction would not have to track  
21 the disposal and divert tonnage from the project.

22           However, a downside of the option, that not having  
23 a diversion rate that shows their diversion efforts might  
24 not be politically acceptable to some local governments.

25           Option five would allow a jurisdiction to apply



1 for one or more SB 1066 time extensions or alternative  
2 diversion rates until the project in question is completed.  
3 The jurisdiction would not be required to be at 50 percent  
4 during the extension.

5 A major benefit of this option would be that  
6 granting an extension for meeting the diversion rate until  
7 the project is completed could be a reasonable solution in  
8 cases where a jurisdiction does not have control over  
9 whether the responsible agency disposes or diverts the  
10 project's waste.

11 The problems with this option include the Board  
12 does not have the authority to require a jurisdiction to  
13 apply for either a time extension or alternative diversion  
14 rate, such projects could potentially continue past the  
15 statutory end point of January 1, 2006, for allowable time  
16 extensions for alternative diversion rates.

17 So this option would not be available for the  
18 reporting year 2006 or later without statutory changes.

19 Then, finally, this option may not be politically  
20 acceptable to some jurisdictions that believe they would be  
21 at an acceptable level of diversion if the federal or state  
22 project had not occurred.

23 The last option, six, would allow a jurisdiction  
24 to deduct the project's disposal tonnage from its reporting  
25 year disposal amount. Several jurisdictions have requested

1 to use this option, but it hasn't been offered to date as an  
2 alternative to this particular issue, that is C and D and  
3 its impacts on a jurisdiction's diversion rates.

4 Use of this option would, therefore, set a  
5 precedent. The option could be similar, however, to the  
6 Board's policy of allowing certain waste sent to class two  
7 landfills to be deducted until certain conditions are met.  
8 The major benefits of this option would be the relief  
9 provided to a jurisdiction for having to count towards the  
10 disposal of the waste from a federal or state agency project  
11 over which it has no control.

12 A problem with the option is that it may be  
13 difficult for the Board to determine when a project disposal  
14 tonnage should be conducted. Should the disposal tonnage  
15 from all federal and state C and D projects be deducted or  
16 only projects lasting a certain number of years or having a  
17 particular percentage impact on the jurisdiction's diversion  
18 rate.

19 In conclusion, since 1995 the Board has used  
20 options one through four on a case-by-case basis, while  
21 option five has not been used. Although the Board does have  
22 an approval process for the applications, option six is a  
23 new alternative and would require a Board determination of  
24 the circumstances under which the option could be used.  
25 Staff, therefore, seeks the Board's direction regarding

1 option six.

2 That concludes my presentation. Are there any  
3 questions?

4 BOARD CHAIR MOULTON-PATTERSON: I am going to open  
5 it up for questions and discussions, but I really think that  
6 we would need to have this on a Board agenda.

7 Because this is pretty important, and I'd like the  
8 whole Board to give direction, you know, get their input and  
9 all. So any discussion or questions at this time? When  
10 would you bring it back, Mark?

11 MR. LEARY: We could add it this month, given that  
12 we've already noticed it, I believe. We can do it in  
13 Diamond Bar. But we also need to consider that we have a  
14 very full agenda in Diamond Bar, and this may generate some  
15 substantial discussion.

16 BOARD CHAIR MOULTON-PATTERSON: Is there a time  
17 problem? Can we do it here in November?

18 MR. LEARY: Certainly.

19 BOARD CHAIR MOULTON-PATTERSON: I think I'd rather  
20 do it then, so everybody will know that we are going to be  
21 discussing it at our November meeting. Okay. Thank you  
22 very much. That was a good presentation.

23 Item No. 5, our last item update of SB 2022 draft  
24 report of the Legislature.

25 MR. SCHIAVO: This will be a slide show and a

1 staff presentation. Beginning in December of 2000, the  
2 Board directed staff to evaluate the entire diversion rate  
3 measurement system in completing this report. The initial  
4 statute just laid out plans for looking at the disposal  
5 reporting system. But the Board felt that would be more  
6 important to look at the entire picture and the entire  
7 measurement system, so that's what we pursued.

8 In early January 2001 an issue paper or workshop  
9 was sent out to about 1,000 interested parties. And on  
10 January 25th and the 31st we held workshops in Northern  
11 California and Southern California to commence this  
12 process.

13 In working, based on the interest that we received  
14 from the workshops, we established three -- initially three  
15 different working groups that consisted of 70 volunteers  
16 which served on four working groups, which tied the first  
17 three together.

18 The first three working groups were the reporting  
19 disposal system, adjustment methodology, and finally,  
20 alternatives to the existing system. And then we took  
21 membership from those three groups and combined them and  
22 developed a synthesis group which put forward some  
23 recommendations.

24 And, again, we had another 70 volunteers which  
25 served as technical reviewers of all the working groups. We

1 really appreciate all the time and effort that those 70  
2 people from both efforts put in this effort.

3 All the working group materials were available on  
4 the Board's website prior to the working group meeting. In  
5 total, we had 12 working groups that took place between  
6 March and July.

7 The draft report to the Legislature, you know, we  
8 have the first draft today that's being presented, and we  
9 sent an e-mail and hard copy to over 1,000 different  
10 reviewers on August 2nd. We posted it on the Board's  
11 website in addition to the thousand reviewers. We had  
12 comments that were due to us on August 31st. And based on  
13 what we sent out, we received 13 sets of comments.

14 On September 21st the second draft report was put  
15 together and the report was revised based on the comments we  
16 received from the first draft. Again, those 13 comments --  
17 and we developed the second draft report and placed it on  
18 two different locations on our website. And, again, we  
19 e-mailed it out to 1,000 different interested parties.

20 And today is October 10th, and this is our public  
21 hearing to listen to the results of what we've put together  
22 for this draft report. And we anticipate bringing this  
23 forward as a consideration item at the November 13th and  
24 14th Board meeting to consider adoption of this report.  
25 Again, the report is due January 1st.

1                   MS. VAN KEKERIX: We'll have several staff that  
2 will be making the rest of the report here. I'd like to  
3 just give you a little bit of background on the diversion  
4 rate measurement system, then we'll get started on the  
5 recommendations in the report.

6                   The disposal based method for measuring diversion  
7 rates by jurisdiction was started in 1995. And no one had  
8 measured diversion in this way before. The system that we  
9 established allowed -- or established minimum standards to  
10 allow for local flexibility.

11                  The diversion rate measurement system is comprised  
12 of three main components: Base year, waste generation and  
13 adjustment method that is used to estimate future year  
14 generation and our disposal reporting system. All three of  
15 the components affect accuracy. And if you'd like a more  
16 expanded version of how the measurement system works, we  
17 have that in Chapter 2 of our report.

18                  The diversion rate measurement system relies on  
19 voluntary cooperation of thousands of waste haulers,  
20 hundreds of solid waste facilities and hundreds of cities,  
21 counties and regional agencies.

22                  Over the last five years there have been areas of  
23 the state where accuracy has greatly improved in the  
24 diversion rate measurement system. And places where there's  
25 been improvement have improved by forming Board-approved

1 regional agencies, collecting more than the minimum standard  
2 information, all parties to the system working  
3 cooperatively, establishing local requirements, local  
4 ordinances that require specifically types of information  
5 and activities and correcting an accurate base year.

6 When SB 2202 went into effect in January 1st of  
7 this year we were required to do a review of the disposal  
8 reporting system. And as Pat has told you, the Board asked  
9 us to expand that review to do the entire diversion rate  
10 measurement system, to analyze how the system is working  
11 throughout the state after five years, and identify  
12 potential issues and potential solutions.

13 The recommendations that we're going to be  
14 presenting to you this morning are coming out of our working  
15 groups with all of the interested parties involved. They  
16 were developed during the working group meetings, and we're  
17 presenting the highlights of that in this recommendation.  
18 We have a summary table of recommendations in chapter 1 of  
19 the report and an expanded table of recommendations in  
20 chapter 3 of the report.

21 In terms of staff positions on some of the  
22 recommendations, the group that was assigned to this project  
23 in the Waste Analysis Branch has primary expertise in the  
24 area of diversion rate measurement, and we are soliciting  
25 additional input from other staff around the Board on

1    whether they agree with some of the working group  
2    recommendations that are outside the area of our primary  
3    expertise.

4           There are several things that came out of an  
5    analyses in the report, and I'll just show you. The report  
6    itself is about 100 pages long, but the appendixes, which  
7    are the highlights of the working group, is almost 500  
8    pages. So we did a lot of analysis for this report, and  
9    there are some broad themes that came out of those  
10   analyses.

11           So we'd like to take a minute or two to briefly  
12   tell you some of the things that came up over and over again  
13   in several of the working groups.

14           First, there's the potential for error in all  
15   components of the diversion measurement system. The  
16   diversion rates are estimates or indicators. Small  
17   jurisdictions are more likely to have an inaccurate  
18   diversion rate, and we need to focus on diversion program  
19   implementation.

20           I am going to ask Tom Rudy to come up and give you  
21   a little bit of the information behind these broad themes.

22           MR. RUDY: Thank you. Madam Chair, members of the  
23   Board, I am Tom Rudy with the Waste Analysis Branch. The  
24   first theme, the potential for error in all components of  
25   the diversion rate measurement system, can best be



1 illustrated by the following table.

2               These are the five basic factors that are used in  
3 the diversion rate measurement system. The first, of  
4 course, is the base year. The base years are estimates at  
5 best of the jurisdiction's generations.

6               Additionally, the majority of cases, the base year  
7 studies were completed at a time when we were at the  
8 beginning of a learning curve. Consequently in many cases  
9 the base year data is not as accurate as it could be.

10              Next is a disposal reporting system. This can be  
11 either estimated or tabulated. If a facility surveys and  
12 weighs every load every day, the data, as a rule, would be  
13 much more accurate than data estimated by conducting a  
14 survey only one week per quarter.

15              The following three factors on that table are used  
16 in predicting the jurisdiction's reported year generation.  
17 Population is an estimated item because it was based on  
18 predicted growth rate that is applied to some benchmark  
19 year.

20              Employment is considered an estimate because of  
21 the nature of the data. Employment data's collected at the  
22 county level, but we apply those county numbers to  
23 individual cities.

24              Finally, taxable sales can be considered both  
25 estimated and tabulated. Though we receive hard data from

1 the taxable sales from the Board of Equalization, we  
2 estimated the fourth quarter's taxable sales for use in the  
3 reports.

4 The next theme in recommendations was that the  
5 diversion rates are more of an indicator than a firm,  
6 accurate number. One of the main suppliers here is the base  
7 year. Base year accuracy is crucial to estimating current  
8 diversion rates. It's the benchmark against which  
9 everything else is calculated.

10 However, we know that every time the nature of a  
11 jurisdiction's solid waste generation will change. When  
12 these changes take place, the functionality of the base year  
13 in predicting future waste generation is reduced.

14 Because of the nature of the mathematical models  
15 used, when a jurisdiction has an unrepresentative base year,  
16 diversion rate estimates may actually decline in subsequent  
17 years even though diversion programs may expand.

18 This slide shows the distribution of base years by  
19 age. The majority of the base years are over ten years  
20 old. Most likely most of those jurisdictions have had some  
21 changes in the nature of their solid waste production.

22 The third, concerns about the accuracy of  
23 diversion data with respect to a jurisdiction size. Our  
24 analysis shows that for large jurisdictions the diversion  
25 rate measurement system is a relatively inexpensive, easy

1 alternative to measuring all the disposal in diversion.

2           It works reasonably well with the DRS data, is  
3 accurate, and conditions have remained relatively stable  
4 from the base year to the measurement year. Of course,  
5 obtaining and maintaining good data on diversion programs is  
6 also very important.

7           Small jurisdictions, however, don't do as well.  
8 Our analysis shows that a high probability of error and the  
9 value of the fact is that most effect calculations, that is  
10 disposal, population, employment, and taxable sales, these  
11 potential errors expound into a less than accurate diversion  
12 rate. And I can show this better on the following slides.

13           This first draft here is an analysis done using a  
14 year 2000 disposal data in the county of Riverside.  
15 Riverside County takes a daily survey. What we did is we  
16 took the -- we took the total annual disposal as logged on  
17 those surveys and we compared that by taking one week in  
18 each quarter and extrapolating that number out to estimate  
19 an annual disposed.

20           We took the difference between those two numbers  
21 for each jurisdiction and came up with a percent  
22 difference. If you look at the left, the vertical axis  
23 there is the percent error. The horizontal access, which is  
24 right in the middle, that could be called the zero error  
25 line.

1                   You have seen that we graduated it using numbers  
2   that are actual annual tons disposed. We are using annual  
3   tons disposed as a surrogate for jurisdiction size. By  
4   looking at this you can see that the smaller the  
5   jurisdiction, the greater the variability is in their data.  
6   You compare extrapolated one-week survey data to actual  
7   data, the variability is great. As we approach a magic  
8   number of 50,000 tons per year, we start to see a greater  
9   decrease in that error.

10                  We went a little further and did some more  
11   analysis looking at statewide, annual disposal, average  
12   annual disposal for small jurisdictions, and we came up  
13   essentially with the same premises.

14                  If you look at the left-hand side again, the  
15   vertical is a variability index, and the bottom, average  
16   tons disposed. We used average tons disposed as an  
17   indicator of jurisdiction size. Once again, we see the  
18   smaller the jurisdiction, the greater the variability of the  
19   data.

20                  The final theme addressed is the recommendation to  
21   focus on programs. Not only is the consideration of  
22   implemented diversion programs required when you turn in  
23   compliance, but PRC 41780, Public Resource Code 41780,  
24   requires jurisdictions to adopt and implement diversion  
25   programs in their efforts to achieve the mandated diversion

1 goals. The implementation and effectiveness of diversion  
2 programs should be the key to a jurisdiction's compliance,  
3 while the estimated diversion rates mean more as an  
4 indication rather than a confirmation of success.

5 That covers the broad themes. The specific  
6 recommendations of the working groups were then broken down  
7 into these seven categories. Right now I'd like to  
8 introduce Denise Hume, who will discuss the recommendations  
9 in the first category, accuracy.

10 MS. HUME: I'm Denise Hume with the Waste Analysis  
11 Branch. The working group recommends the Board require  
12 standard statewide standards for collecting disposal  
13 information, and the next few slides are examples of  
14 standards already used by some landfills that could be made  
15 standard statewide.

16 This is our first sample. It is a standard report  
17 format that one landfill uses to report to their county each  
18 quarter.

19 The next slide, and I skipped it, sorry, is a sign  
20 that is posted at one landfill concerning origin surveys.  
21 This is posted during the survey week at one landfill, one  
22 week each quarter. And the next slide is a permanent sign  
23 that is posted outside the landfill requiring positive  
24 identification of the origin of the hauler.

25 Other working group recommendations including

1 requiring the use of skips to weigh all loads coming into a  
2 facility and request the origin of every load every day. An  
3 exception to these requirements would be for cars and small  
4 truckloads that make up a small percentage of the total  
5 tonnage received.

6           Some landfills already ask of the origin of every  
7 load every day, and we are seeing an increase in the number  
8 of landfills making this a standard practice. The working  
9 group felt that small rural jurisdictions should be exempted  
10 from the daily origins survey requirement. It was also a  
11 recommendation that Board staff increase the number of  
12 audits of landfill practices and records to ensure better  
13 accuracy.

14           To ensure landfills are correctly processing,  
15 using and reporting alternative daily cover, an updated  
16 local enforcement advisory is recommended. The updating  
17 process should include representatives of all stakeholders.  
18 The Board should increase the incentive for groups to form  
19 jurisdictional agencies, which incentives might include  
20 giving preference for loans and grants to regional agencies  
21 or provide specific loans and grants only to regional  
22 agencies.

23           One default measures -- our default measures a  
24 population, employment and taxable sales work well for most  
25 jurisdiction for most measurement years. Two refinements of

1 the default employment measure are recommended. One  
2 requires regulation change, the other does not. Both use a  
3 different methodology, employment in place of work not place  
4 of residence to measure employment. But there's no change  
5 in the source of this information.

6 For jurisdictions with measurements level choices  
7 it is tempting to select a level based solely on which one  
8 maximizes the diversion rate estimate, jurisdiction  
9 countywide. If diversion rate accuracy is the sole  
10 objective, then the measurement level that is most  
11 representative of the jurisdiction growth should be  
12 selected.

13 Because adjustment method factors from alternative  
14 sources may change diversion rate accuracy, careful  
15 objective case-by-case staff analysis of source scientific  
16 methodology and measurement level representation of the  
17 jurisdiction is required. And now our last speaker will be  
18 Nick. Thank you.

19 MR. CAVAGNARO: Good morning, Madam Chair and  
20 Board members. My name is Nicholas Cavagnaro, and I work in  
21 the Waste Analysis Branch.

22 Moving on to the category of alternatives to  
23 numerical compliance, a key working group recommendation is  
24 the inclusion of a diversion rate accuracy indicator's table  
25 for biennial review agenda items. The Board would then have

1 more information to assess the proper balance between  
2 diversion rates and diversion programs. Indicators may  
3 include, but are not limited to, the ones listed on this  
4 slide.

5 Jurisdictions have responsibilities for meeting  
6 waste reduction goals, but do not have control of all the  
7 waste generated within their borders.

8 Responsibility and control highlights include a  
9 working group recommendation that solid waste facility  
10 participation in the disposal reporting system should be a  
11 permanent requirement, drafting a model local ordinance that  
12 would require callers to report waste origin information and  
13 removing institutional barriers to establishing diversion  
14 programs and facilities.

15 Some additional responsibility and control working  
16 group recommendation highlights require all disposal  
17 facilities to divert self-haul waste and require school and  
18 state agency waste diversion in cooperation with local  
19 government jurisdictions. Current laws encourage  
20 cooperation.

21 Another major topic was to increase enforcement,  
22 including authorize assessment of penalties for  
23 misinformation by any hauler, landfill, material recovery  
24 facility or transfer station and that the Board should be  
25 responsible for enforcement and assessment of these



1 penalties.

2           On the subject of markets, the working group  
3 endorses the fact that viable markets are essential to  
4 diversion programs. Further development of secondary  
5 materials and markets through a variety of activities is  
6 recommended. Additional mandates are recommended for  
7 minimum recycled content in material types and finished  
8 products.

9           Within the category of change what counts, the  
10 working group recommends uniform disposal counting to fairly  
11 compare jurisdiction diversion rates, the exclusion of inert  
12 landfill and special waste disposal tonnage from the  
13 disposal reporting system and removal of the existing 10  
14 percent diversion credit limit for direct burn  
15 transformation of forest debris for fire generation.

16           Regarding training, the working group recommends  
17 more Board training for disposal facility operators and  
18 counties, a parallel expansion of the number and types of  
19 standard reports on diversion rate measurement. The working  
20 group also recommends the Board provide local government  
21 staff with standard solid waste management curriculum  
22 training, similar to the certification programs previously  
23 provided at the Davis and Los Angeles campuses of the  
24 University of California.

25           The working group recommends further study in the

1 following areas: Explore ways to increase responsibility  
2 for diversion by generators of difficult to handle waste  
3 such as CRTs, revisit transformation of diversion credit  
4 limits and evaluate diversion performance based primarily or  
5 entirely on diversion program evaluation. The entire report  
6 to the Legislature can be found on the Board's website at  
7 the address indicated on this slide.

8 This concludes our slide presentation, and we'll  
9 be happy to respond to questions.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you. Before  
11 I open it up for questions, I just want to thank Pat,  
12 Lorraina, your whole team. I know you just spent thousands  
13 of hours on this, and we really appreciate it. And we  
14 appreciate the working group's participation, as a wealth of  
15 information has come out of this to help us. So thank you.  
16 I really appreciate it, and I know my colleagues do.  
17 Questions, comments?

18 BOARD MEMBER MEDINA: The only question I have,  
19 Madam Chair, was in regard to the 70 volunteers. Can you  
20 tell us a little bit about who comprised the 70 volunteers.

21 MS. VAN KEKERIX: When we put out the request for  
22 working group members, we told the Board that what we were  
23 going to try to do is have a group that represented the  
24 state. So we had representatives from cities, counties,  
25 regional agencies in Northern, Central and Southern

1 California. We had members of the waste management  
2 industry. We had had disposal facility operators, haulers.  
3 We had people that ran recycling programs. We also had  
4 environmental groups represented, and we had the university  
5 system also represented in our working groups. And we have  
6 -- we do have a list of all of our working group members,  
7 which I can provide you a copy of if you'd like.

8 BOARD CHAIR MOULTON-PATTERSON: Great. Thank  
9 you. Steve?

10 BOARD MEMBER JONES: Madam Chair, just a quick  
11 question. In looking in these alternatives and in this  
12 report, is there a -- was there thought given to maybe  
13 implementing a few of these suggestions if the Board so  
14 chooses, and that would be the first step followed by  
15 another set of recommendations followed by another set of  
16 recommendations to get to an ultimate goal.

17 Because I'm looking at alternatives to numerical  
18 compliance, and you're being hit by jurisdictions that are  
19 saying that their self-haul waste has gone through the  
20 roof. I know one jurisdiction in particular went from 58  
21 percent to 45 percent, was all self-haul waste.

22 So if there was some things added to there, like  
23 what percentage of the waste stream is controlled by  
24 franchised haulers normally, then if there is a huge spike  
25 in self haul, there might be some indicators for a region,

1     you know, to look at what is that material being diverted  
2     from or is it the City of LA waste that can only go to a  
3     couple landfills and, therefore, has to say it's from  
4     Huntington Beach or Vernon or -- and name a town, you know,  
5     because they can't legally bring it in. I mean, is there --  
6     are we going to be able to look at step one, step two, step  
7     three to get to an ultimate solution on some of this?

8                 MR. SCHIAVO: That's a real good point. There's  
9     policy ones that we can implement relatively quickly.  
10    There's the regulatory, which are going to take much more  
11    time, and eventually the statutorily recommended items. But  
12    just because of the number of recommendations in there, I  
13    mean, we don't have a resource to do that. So we have to  
14    tier it, and based on the Board's priority.

15                BOARD CHAIR MOULTON-PATTERSON: And this will be  
16    coming back in November on our agenda for approval to go to  
17    the Legislature, and it's due in January; is that correct?

18                MR. SCHIAVO: January 1st.

19                BOARD CHAIR MOULTON-PATTERSON: Thank you. Any  
20    public comments?

21                MR. SWEETZER: My name's Larry Sweetzer. And on  
22    behalf of the environmental services, Joint Power Authority  
23    and also one of the working group members, Jim Hemming and I  
24    would like to tell you that we did have an interesting time  
25    on the work groups, and we do appreciate staff's efforts.

1           There was some rather contentious ones with all  
2   the variety of interests there. We wanted to let you know  
3   we did appreciate some of the staff's acknowledgment of the  
4   rural county issues. There was two in particular mentioned  
5   in the report, one was the accuracy of the whole measurement  
6   system. And the smaller the tonnage, the more inaccurate  
7   the system is, and that's definitely proven in many of our  
8   counties, and the second one was the limited resources  
9   issue.

10           There's a very good statement in there that we  
11   really appreciate where staff clearly stated that the  
12   limited resource in the rural area seems to focus on  
13   programs rather than measurements.

14           So we wanted to let you know we appreciate you  
15   giving that statement into this document, and we look  
16   forward to having that recommendation go through. We also  
17   wanted to let you know despite these limitations, many of  
18   the rural counties are going forward with their good-faith  
19   efforts, and thank you very much.

20           BOARD CHAIR MOULTON-PATTERSON: Thank you.  
21   Without any more comments, our briefing is adjourned.

22           (Whereupon the proceedings were concluded at 11:35  
23   a.m.)

24                               ---o0o---

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1 REPORTER'S CERTIFICATE

2 ----o0o----

3 STATE OF CALIFORNIA )  
4 ) ss.  
5 COUNTY OF SACRAMENTO )

6 I, BALINDA DUNLAP, certify that I was the official  
7 court reporter and that I reported in shorthand writing the  
8 foregoing proceedings; that I thereafter caused my shorthand  
9 writing to be reduced to typewriting, and the pages  
10 included, constitute a full, true, and correct record of  
11 said proceedings:

12 IN WITNESS WHEREOF, I have subscribed this  
13 certificate at Sacramento, California, on this 23rd day of  
14 October, 2001.

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17

18

19 BALINDA DUNLAP, CSR NO. 10710, RPR, CRR, RMR

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